

MOST-FAVORED-NATION TREATMENT FOR AREAS UNDER OCCUPATION OR CONTROL

Exchange of notes at Copenhagen June 29, 1948

Notice of Danish ratification given to the United States July 2, 1948

Entered into force July 2, 1948

Expired in accordance with its terms

62 Stat. 2883; Treaties and Other
International Acts Series 1822

The American Ambassador to the Minister of Foreign Affairs

AMERICAN EMBASSY
COPENHAGEN, June 29, 1948

No. 179

SIR:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and Denmark and have the honor to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany or the Free Territory of Trieste, the Government of Denmark will apply to the merchandise trade of such area the provisions relating to the most-favored-nation treatment of the merchandise trade of the United States of America set forth in the General Convention of Friendship, Commerce and Navigation signed April 26, 1826,¹ as amended by the Convention of April 11, 1857,² or, for such time as the Governments of the United States of America and Denmark may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947,³ the provisions of that Agreement, as now or hereafter amended, relating to the most-favored-nation treatment of such trade.

¹ TS 65, *ante*, p. 1.

² TS 67, *ante*, p. 11.

³ TIAS 1700, *ante*, vol. 4, p. 641.

It is understood that the undertaking in this paragraph relating to the application of the most-favored-nation provisions of the General Convention of Friendship, Commerce and Navigation shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade permitting departures from the application of most-favored-nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of Denmark.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization⁴ relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the area in western Germany referred to in point 1 above may have the effect of indirectly subsidizing the exports of such area to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Denmark to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Denmark determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this note will enter into force on the day on which the Government of Denmark notifies the Government of the United States of America that this note has been ratified and shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

⁴ Unperfected; for excerpts, see *A Decade of American Foreign Policy: Basic Documents, 1941-49* (S. Doc. 123, 81st Cong., 1st sess.), p. 391.

Please accept, Excellency, the renewed assurances of my highest consideration.

JOSIAH MARVEL Jr.

His Excellency,

GUSTAV RASMUSSEN,

Royal Minister for Foreign Affairs,

Copenhagen.

The Minister of Foreign Affairs to the American Ambassador

UDENRIGSMINISTERIET

COPENHAGEN, June 29, 1948

SIR:

I have the honour to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between Denmark and the United States of America and have the honour to confirm, subject to ratification, the understanding reached as a result of these conversations as follows:

[For text of understanding, see numbered paragraphs in U.S. note, above.]

Please accept, Excellency, the renewed assurances of my highest consideration.

GUSTAV RASMUSSEN

His Excellency

Ambassador JOSIAH M. MARVEL, Jr.,

The Embassy of the United States of America,

Copenhagen.